UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,933	03/22/2000	Mitsuyoshi Watanabe	826.1596/JDH	9169

21171 7590 10/18/2007	EXAMINER
STAAS & HALSEY LLP	GRAHAM, CLEMENT B
SUITE 700	

1201 NEW YORK AVENUE, N.W.	ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005	3692	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/532,933	WATANABE ET AL.
	Examiner	**Art Unit**
	Clement B. Graham	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>5,9 and 25-29</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>5, 9, 25-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1   Claims 1-4, 6-8, 10-24 has been cancelled and claims 29 has been added and
claims 5, 9 25-28 remained pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 5, 9 25-28, are rejected under 35 U.S.C. 103(a) as being anticipated by
McClellan U.S Patent 3, 823, 387 in view of Dictionary of Finance and Investment Terms,
(Hereinafter Dictionary) Goodman, Jordan Elliot, II, Title,HG151. D69 1995).

As per claims 25, 5, 9, McClellan discloses an electronic commerce system aiding
in purchase and sale of commodities, comprising:
a first registered commodity data storing unit associated with a first transaction partner,
storing for each commodity handled by the first transaction partner at least information
identifying the commodity, a set commodity price (see column 8 lines 8-60 and column 3
lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9
lines 7-30)
a second reqistered commodity data storing unit associated with at least a second
transaction partner storing, for at least one commodity handled by at least the second
 change conditions("i. e. "change in prices "see column 9 lines 7-30") including
information of an associated commodity transacted with the least one commodity(see
column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and
column 7 lines 30-35);
a search unit searching, in the second registered commodity data storing unit, for a first
commodity identified by first information matching the information stored in said first
registered commodity data storing unit for one of the commodities the first information
identifying a second commodity transacted with the first commodity, which the first
commodity which is registered for the second transaction partner(see column 8 lines 8-

60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30) and

a sale and purchase situation judgment unit referring, to second information of the second commodity registered in association with the first commodity in the second registered commodity data storing unit and when the second information matches the information stored in said first registered commodity data storing unit for another of the commodities as publicly disclosed or publicly non-disclosed judging both the first commodity and the second commodity as tradable candidates. (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30 sand fig: 2).

McClellan fail to explicitly teach and information relating to public disclosure indicating whether reference by other transaction partners is allowed and that may be publicly disclosed.

However Dictionary discloses the term public is used to describe a security that is available to be bought or sold by individual investors as apposed to just large corporations or wealthy people in which case the offering is private one (see page 447). Therefore it would have been obvious to one of ordinary skilled in the art the time the invention was made to modify the teachings McClellan to include information relating to public disclosure indicating whether reference by other transaction partners is allowed and that may be publicly disclose taught by Dictionary in order to make available purchasing or sale to the general public.

As per claim 26,   McClellan discloses further comprising outputting transaction completion information of the first and second commodities when, with regard to the first commodity,, a first price commodity stored in the first registered commodity data storing unit matches a changed price obtained based on a-~ change conditions registered in the second registered commodity data storing unit, and when with regard to the second commodity, a second price stored in the first registered commodity data storing unit matches a third price registered in the second registered commodity data storing unit. (Note abstract and see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35).

As per claim 27, McClellan discloses A computer-readable storage medium storing a program for aiding in purchase and sale of commodities that when executed causes a computer to perform a process comprising:
storing in a first registered commodity data storing unit associated with a first transaction partner for each commodity handled by the first transaction partner at least information identifying the commodity, a set commodity price(see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30) storinq in a second reqistered commodity data storing unit associated with at least a second transaction partner for at least one commodity handled by at least the second transaction partner information identifying the commodity a usual commodity change conditions including information of an associated commodity, transacted with the commodity;
searching, in the second registered commodity data storing unit associated for a first commodity identified by first information matching the information stored in the first registered commodity data storing unit for one of the commodities(see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30) the first information identifying second commodity transacted with the first commodity, which are is registered for the second transaction partner;
referring to second information of the second commodity registered in association with the first commodity in the second registered commodity data storing unit; and
judging both the first and second commodities as tradable candidates, if the second information matches the information commodity stored in the first registered commodity data storing unit for another of the commodities as publicly disclosed or publicly non-disclosed. (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30 and fig: 2).

McClellan fail to explicitly teach information relating to public disclosure indicating whether reference by other transaction partners is allowed and that may be publicly disclosed.

However Dictionary discloses the term public is used to describe a security that is available to be bought or sold by individual investors as apposed to just large corporations or wealthy people in which case the offering is private one (see page 447). Therefore it would have been obvious to one of ordinary skilled in the art the time the invention was made to modify the teachings McClellan to include information relating to public disclosure indicating whether reference by other transaction partners is allowed and that may be publicly disclosed taught by Dictionary in order to make available purchasing or sale to the general public.

As per claims 28, McClellan discloses an electronic commerce method aiding in purchase and sale of commodities, comprising:

storing as-in a first registered commodity data for storing unit associated with a first transaction partner, for each commodity handled by the first transaction partner at least information identifying of commodities the commodity, a set, a commodity price storing, in a second registered commodity data storing unit associated with at least a second transaction partner for at least one commodity handled by at least the second transaction partner, information identifying the commodity, a usual commodity price and price change conditions including information of an associated commodity transacted with the commodity (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30)

searching, in the second reqistered commodity data storing unit, for a first commodity identified by first information matchinq the information stored in the first registered commodity data as storing unit for one of the commodities (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30) the first information identifying a second commodity for transacted with the first commodity which is registered for the second transaction partner;

..referring to second information of the second commodity registered in association with the first commodity in the second registered commodity data storing unit; .and

judging both the first and second commodities as tradable candidates, if the second information matches the information stored in the first registered commodity data storing unit for another of the commodities as publicly disclosed or publicly non-disclosed. (see

column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30).

McClellan fail to explicitly teach and information relating to public disclosure, indicating whether access by other transaction partners is allowed and that may be publicly disclosed.

However Dictionary discloses the term public is used to describe a security that is available to be bought or sold by individual investors as apposed to just large corporations or wealthy people in which case the offering is private one (see page 447). Therefore it would have been obvious to one of ordinary skilled in the art the time the invention was made to modify the teachings McClellan to include information relating to public disclosure, indicating whether access by other transaction partners is allowed and that may be publicly disclosed taught by Dictionary in order to make available purchasing or sale to the general public.

As per claims 29, McClellan discloses an electronic commerce system aiding in purchase and sale of commodities, comprising:

a registered commodity data storage unit storing records with registered commodity identifiers identifying commodities and registered commodity price information, and registered purchase/sale information indicating whether the commodities are desired by or available from registered transaction partners

trader commodity data storage units, each storing trader-specific information, including trader commodity identifiers, trader commodity price information, trader purchase/sale information and, for each record containing the registered commodity price information (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30).

the registered commodity price information in that record;

a search unit searching said registered commodity data storage unit for a first commodity, one of desired by and available from a first transaction partner, and reading price change conditions including a related commodity identifier identifying a second commodity transacted with the first commodity by a second transaction partner when identifying the first commodity transacted by the second transaction partner indicates

public access to the price change conditions; and a judgment unit determining that both the first and second commodities are tradable candidates if the related commodity identifier matches one of the trader commodity identifiers and the trader commodity price information and the trader purchase/sale information for the first transaction partner is compatible with the registered commodity price information and the registered purchase/sale information for the second transaction partner. (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30)

McClellan fail to explicitly teach public/private information indicating whether transaction partners are allowed access to and the public/private information for one of the records. However Dictionary discloses the term public is used to describe a security that is available to be bought or sold by individual investors as apposed to just large corporations or wealthy people in which case the offering is private one (see page 447). Therefore it would have been obvious to one of ordinary skilled in the art the time the invention was made to modify the teachings McClellan to include public/private information indicating whether transaction partners are allowed access to and the public/private information for one of the records taught by Dictionary in order to make available purchasing or sale to the general public.

Conclusion

Response to Arguments

4.   Applicant's arguments files on 07/000930/07 have been fully considered but they are moot in view of new grounds of rejections.

5. In response to Applicant's arguments that McClellan fail to teach or suggest "that different informa tion is stored in each storing unit and ,information relating to public disclosure indicating whether reference by other transaction partners is allowed in the first registered commodity data storing unit and "price change conditions including information of an associated commodity transacted with the least one commodity in the second registered commodity data storing unit and search unit and the sale and purchase situation judgment unit recited" the Examiner disagrees with Applicants

because these limitations are addressed within the a combination of teachings as stated,

McClellan discloses an electronic commerce system aiding in purchase and sale of commodities, comprising:

a first registered commodity data storing unit associated with a first transaction partner, storing for each commodity handled by the first transaction partner at least information identifying the commodity, a set commodity price (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30)

a second reqistered commodity data storing unit associated with at least a second transaction partner storing, for at least one commodity handled by at least the second change conditions("i. e. "change in prices "see column 9 lines 7-30") including information of an associated commodity transacted with the least one commodity(see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-35);

a search unit searching, in the second registered commodity data storing unit, for a first commodity identified by first information matching the information stored in said first registered commodity data storing unit for one of the commodities the first information identifying a second commodity transacted with the first commodity, which the first commodity which is registered for the second transaction partner(see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30) and

a sale and purchase situation judgment unit referring, to second information of the second commodity registered in association with the first commodity in the second registered commodity data storing unit and when the second information matches the information stored in said first registered commodity data storing unit for another of the commodities as publicly disclosed or publicly non-disclosed judging both the first commodity and the second commodity as tradable candidates. (see column 8 lines 8-60 and column 3 lines 14-47 and column 4 lines 36-67 and column and column 7 lines 30-67 and column 9 lines 7-30 sand fig: 2).

Dictionary discloses the term public is used to describe a security that is available to be bought or sold by individual investors as apposed to just large corporations or wealthy people in which case the offering is private one (see page 447).

Therefore it is obviously clear that Applicant's claimed limitations are addressed with the teachings of McClellan and Dictionary.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on Iam to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 12, 2007

FRANTZY POINVIL
PRIMARY EXAMINER
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